

1 BILL NO. G-91-03-46

2 GENERAL ORDINANCE NO. _____

3 AN ORDINANCE OF THE COMMON COUNCIL OF THE
4 CITY OF FORT WAYNE, INDIANA ESTABLISHING
5 POLICIES AND PROCEDURES REGARDING THE
6 INVESTIGATION OF THE POLICE DEPARTMENT OF
7 THE CITY OF FORT WAYNE, AND ANY CHARGES
8 OR COMPLAINTS AGAINST OFFICERS AND
9 EMPLOYEES OF THAT DEPARTMENT.

10 WHEREAS, in accordance with the terms of I.C. 36-4-6-21
11 the Common Council of the City of Fort Wayne has the power to
12 investigate the department, officers and employees of the
13 City, and any charges against a department, officer or
14 employee of the City; and

15 WHEREAS, in conducting such investigation, the Common
16 Council of the City of Fort Wayne, Indiana is entitled to
17 access to all records pertaining to the investigation and
18 further may compel the attendance of witnesses in the
19 production of evidence by subpoena and attachments served and
20 executed in Allen County, Indiana; and

21 WHEREAS, if a person refuses to testify or produce
22 evidence at an investigation conducted under this statute,
23 the Common Council may order the City Clerk to immediately
24 present to the Circuit Court of Allen County a written report
25 of the facts relating to the refusal and the court shall hear
26 all questions relating to the refusal to testify or produce
27 evidence and shall also hear any new evidence not included in
28 the Clerk's report; and

29 WHEREAS, if the court finds that the testimony for
30 evidence sought should be given or produced, it shall order
31 the person to testify or produce the evidence, or both; and

32 WHEREAS, pursuant to the exercise of said investigatory
powers of the Common Council, there shall be established a
special Committee of the Common Council, and additional
members of said Committee consisting of citizens of the City
of Fort Wayne will provide for community participation in
creating a means for a prompt, impartial and fair
investigation of complaints brought by individuals against
the Fort Wayne Police Department, and any of the officers or
employees of that department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA THAT:

1 SECTION 1. POLICE REVIEW COMMITTEE ESTABLISHED. There
2 is hereby established a Police Review Committee of the Common
3 Council of the City of Fort Wayne, consisting of three (3)
4 members of the said Common Council. That Committee shall
5 consist of nine (9) members including the three (3) members
6 of the Common Council, and six (6) additional members, two
7 (2) of which shall be appointed by the Common Council of the
8 City of Fort Wayne, and four (4) additional members to be
9 appointed by the Mayor of the City of Fort Wayne. All
10 members of this Committee shall be residents of the City of
11 Fort Wayne. Other than the members of the Common Council of
12 the City of Fort Wayne, no officer or employee of the City of
13 Fort Wayne shall be appointed to the Committee. This special
14 Committee of the Common Council of the City of Fort Wayne
15 will constitute the Police Review Committee of the City of
16 Fort Wayne.

17 SECTION 2. POWERS AND DUTIES. The Committee
18 established by this ordinance shall have the following powers
19 and duties:

20 A). Advise and make recommendations to the public, the
21 Common Council of the City of Fort Wayne, and the Board
22 of Public Safety;

23 B). To receive complaints directed against the Fort
24 Wayne Police Department and any of its officers and
25 employees, and fully and completely investigate said
26 complaints and to make such recommendations and give
27 such advise relating to departmental policies and
28 procedures to the Common Council of the City of Fort
29 Wayne and the Board of Public Safety of the City of Fort
30 Wayne in connection therewith the Committee in its
31 discretion deems advisable.

32 C). Consistent with the terms of I.C. 36-4-6-21, and to
the extent permissible by law, to exercise the power of
subpoena granted to the Common Council of the City of
Fort Wayne.

D). To adopt rules and regulations and develop such
procedures for its own activities and investigations as
may be necessary and to publish and file same with the
Office of the City Clerk of the City of Fort Wayne, and
to do such other things not forbidden by law which are
consistent with a broad interpretation of the Ordinance
codified herein and its general purposes.

E). Consistent with the powers granted by I.C. 36-4-6-
21, to take testimony under oath.

 SECTION 3. TERM OF OFFICE AND FILLING OF VACANCIES.
The initial terms of this Committee shall be staggered. The
three (3) Common Council members shall serve for initial
terms of two (2) years; the two members appointed by the
Common Council shall serve initial terms of one (1) year; two
(2) members appointed by the Mayor shall serve initial terms
of two (2) years; and the other two (2) members appointed by
the Mayor shall serve initial terms of three (3) years.
Thereafter, all terms of each member shall be two (2) years.
Any vacancy occurring during the term of any member shall be
filled by the Common Council or Mayor, whose appointee has
ceased to served. No member of Common Council shall have
consecutive terms on this Committee, and no other appointed
members by the Common Council or Mayor shall serve more than
two (2) consecutive terms.

1 SECTION 4. OFFICERS. The Committee shall elect one of
2 its members as chairperson, one of its members as vice-
3 chairperson, who shall each hold office for one (1) year and
4 until their successors are elected. No officers shall be
5 eligible to succeed himself or herself under the same office.
6 Officers shall be elected no later than the second meeting of
7 the Committee following its appointment.

8 SECTION 5. MEETINGS.

9 A). The Committee shall establish a regular time and
10 place of meeting in a central location of the City of
11 Fort Wayne, capable of accommodating at least twenty-
12 five (25) people, at least once every three months or
13 more frequently if the Committee desires. The Committee
14 may meet in other places and locations throughout the
15 City of Fort Wayne for the purposes of encouraging
16 interest and facilitating attendance by people in the
17 various neighborhoods in the City of Fort Wayne at the
18 meeting.

19 B). Special meetings may be called by the chairperson
20 or by three (3) members of the Committee upon personal
21 notice being given to all members or written notice
22 being mailed to each member and received at least
23 thirty-six (36) hours prior to such meetings, unless
24 such notice is waived in writing.

25 C). All Committee meetings and agendas for such
26 meetings shall be publicized in advance by written
27 notice given to the newspapers, radio, and television
28 stations serving the City of Fort Wayne, at three (3)
29 days prior to regular meetings, and at the same time as
30 members are notified of special meetings. In addition,
31 notice of meetings shall be posted regularly on such
32 bulletin boards and such locations throughout the City
of Fort Wayne as are designated by the Committee.

 D). All meetings shall be open to the public, unless
the Committee, in order to protect the rights and
privacies of individuals, decides otherwise and if such
closed meeting is not waived by the individual
concerned, and further that the holding of said closed
meeting is consistent with the terms of the Open Door
laws of the State of Indiana.

 E). The Committee shall cause to be kept a proper
record of its proceedings. The records and files of the
Committee and its officers shall include, but not be
limited to, all official correspondence, or copies
thereof, to and from the Committee and its members,
gathered in their official capacities and shall be kept
and open for inspection by the public at reasonable
times in the Office of the City Clerk of the Common
Council of the City of Fort Wayne.

 F). The majority of the appointed members of the
Committee shall constitute a quorum for the transaction
of business and the affirmative vote of the majority of
those present is required to take any action; provided,
however, that in order to exercise the subpoena powers
of the Common Council of the City of Fort Wayne in its
investigations, the Committee shall submit a written
request to exercise such subpoena powers to the Common
Council of the City of Fort Wayne, which body shall
approve the exercise of such power by an affirmative
vote of the majority of the Common Council. Said
written request may be supplemented by the appearance of
the chairperson of the Committee, and the verbal
explanation for the request to be made by the
Councilpersons who are members of the Committee.

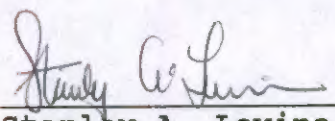
1 SECTION 6. QUARTERLY REPORTS REQUIRED. The Police
2 Review Committee shall submit regular quarterly reports to
3 the Common Council and Board of Public Safety of the City of
4 Fort Wayne, relating to the number, kind and status of all
5 such complaints reviewed and investigated by the Committee.

6 SECTION 7. SEVERABILITY. If any provision or term of
7 this Ordinance, or any application thereof, is held to be
8 invalid or unconstitutional by the decision of any court of
9 competent jurisdiction, such decision shall not affect the
10 validity of the remaining portions of this Ordinance.

11 SECTION 8. This Ordinance shall be in full force and
12 effect from and after its passage and any and all necessary
13 approval by the Mayor.

14 
15 COUNCILMEMBER

16 APPROVED AS TO FORM
17 AND LEGALITY.

18 
19 Stanley A. Levine
20 Legal Advisor
21 Fort Wayne Common Council

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the Committee on _____,
(and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at _____
o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BENDER	_____	_____	_____	_____
CRAWFORD	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
HALL	_____	_____	_____	_____
HAYHURST	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
_____ day of _____, 19____,
at the hour of _____, o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day
of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

DATED: 2-26-91

DATED: _____

ATTEST:

SANDRA E. KENNEDY, CITY CLERK

SANDRA E. KENNEDY, CITY CLERK

PAUL HELMKE, MAYOR

BILL NO. G-91-03-46

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA ESTABLISHING POLICIES AND
PROCEDURES REGARDING THE INVESTIGATION OF THE POLICE DEPARTMENT
OF THE CITY OF FORT WAYNE, AND ANY CHARGES OR COMPLAINTS AGAINST
OFFICERS AND EMPLOYEES OF THAT DEPARTMENT

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>

DATED:

Sandra E. Kennedy
City Clerk

Hold till 6/18
4/19/91
TILL AFTER PUBLIC HEARING
(TO BE SCHEDULED BY C. Edmonds)
Have still after Nov. 91.